

1 General Government Cabinet

2 Kentucky Board of Medical Licensure

3 (New Administrative Regulation)

4 201 KAR 9:200. National Practitioner Data Bank Reports.

5 RELATES TO: KRS 311.530-311.620, 311.990, 218A.205

6 STATUTORY AUTHORITY: KRS 311.565(1)(a), (k)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(a)


8 authorizes the board to promulgate administrative regulations to regulate the  
9 conduct of its licensees. KRS 311.595(1)(k) authorizes the board to utilize the  
10 services and facilities of professional organizations, and procure and receive the  
11 assistance and recommendations of professional organizations in administering  
12 KRS 311.530 to 311.620. This administrative regulation establishes the  
13 requirements of obtaining and reporting information to the National Practitioner  
14 Data Bank.

15 Section 1. (1) The Board shall obtain a report from the National Practitioner  
16 Data Bank, which includes all available information, on each applicant for initial  
17 licensing within the Commonwealth of Kentucky. The Board shall not grant an  
18 initial license to practice medicine or osteopathy within the Commonwealth  
19 unless and until it has received and reviewed the National Practitioner Data Bank  
20 report for that applicant.

1       (2) The Board shall promptly report each Order issued by its Panels, whether  
2       final order or agreed order, relating to a specific licensee to the National  
3       Practitioner Data Bank in accordance with rules and regulations published by the  
4       United States Department of Health and Human Services, Health Resources and  
5       Services Administration.

Adopted:

7/20/2012  
DATE

  
PRESTON P. NUNNELLEY, M.D., PRESIDENT  
KENTUCKY BOARD OF MEDICAL LICENSURE

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on September 26, 2012 at 9:00 a.m. at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by September 19, 2012, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 1, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** C. Lloyd Vest II, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7150, fax (502) 429-7118.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: C. Lloyd Vest II, General Counsel, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222: (502) 429-7150.

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation establishes requirements of obtaining and reporting information to the National Practitioner Data Bank.
  - (b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to comply with the requirements of 218A.205.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish the requirements of obtaining and reporting information to the National Practitioner Data Bank.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the requirements of obtaining and reporting information to the National Practitioner Data Bank.
- (2) If this is an amendment to an existing regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation; Not Applicable.
  - (b) The necessity of the amendment to this administrative regulation; Not Applicable.
  - (c) How the amendment conforms to the content of the authorizing statutes; Not Applicable.
  - (d) How the amendment will assist in the effective administration of the statutes. Not Applicable.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This is a new administrative regulation that will affect new applicants along with approximately 15,500 physicians already licensed to practice medicine in the Commonwealth of Kentucky.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants for initial licensure will be required to obtain the National Practitioner Data Bank report prior to being licensed to practice medicine or osteopathy in the Commonwealth of Kentucky. Current

licensees will not be required to take any action to comply with this regulation.

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of obtaining the National Practitioner Data Bank Report for initial applicants is \$16.00 payable directly to the National Practitioner Data Bank. There will be no cost to current licensees as the Board will report directly to the National Practitioner Data Bank.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants will be able to provide accurate information to the Board as required for licensure. Current licensees will have the benefit of accurate information being reported to the National Practitioner Data Bank.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: None
  - (b) On a continuing basis: None
- (6) What is the source of funding to be used for the implementation and enforcement of this administration regulation: None
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase of fees or funding will be necessary.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? (Explain why or why not)

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 201 KAR 9:200

Contact Person: C. Lloyd Vest II

Phone number: 502/429-7150

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? None

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 311.565(1)(a), (k); 218A.205

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years?  
None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: